

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

UNITED STATES OF AMERICA

vs.

CRIMINAL ACTION NO. 3:98-00047-01

KELVIN ANDRE SPOTTS, a/k/a Shorty

**ORDER**

Pending before the Court is Defendant Kelvin Spotts' Motion to Proceed "Limited *Pro Se*" (ECF No. 1458), alongside multiple motions advanced under the First Step Act of 2018 (ECF Nos. 1451–52, 1455–57, 1461–62).

The Fourth Circuit has held that "a district court can deny a request for self-representation when the request is made for purposes of manipulation because, in such cases, the request will not be clear and unequivocal. *United States v. Bush*, 404 F.3d 263, 271 (4th Cir. 2005) (citing *United States v. Frazier–El*, 204 F.3d 553, 560 (4th Cir. 2000)).

In Defendant's amendment to his first motion seeking a reduction under the First Step Act, he explicitly requests the appointment of counsel. ECF No. 1452, p. 2. Following this, Defendant has filed multiple duplicative and frivolous motions on the matter, and now presently requests to appear in a "limited *pro se*" capacity. ECF No. 1458. Defendant does not clarify over which matters his wishes to appear *pro se*, nor has he offered explanation why he no longer wishes to have the assistance of counsel after requesting the same.

The Court finds Defendant's request to be sufficiently manipulative and **DENIES** the Motion to Proceed Limited *Pro Se* (ECF No. 1458). The Court further **HOLDS IN ABEYANCE** all other motions related to a reduction of sentence under the First Step Act, (ECF Nos. 1451–52,

1455–57, 1461–62), until Defendant’s Counsel has had such time to determine whether he may qualify to seek a reduction of sentence in accordance with Section 404 of the First Step Act of 2018, as directed by the Standing Order (ECF No, 1453). Upon such determination, Defendant’s Counsel will present any motions or applications, and the Court shall consider all motions in tandem.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record, the defendant, and any unrepresented parties.

ENTER: April 1, 2019

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', written over a horizontal line.

ROBERT C. CHAMBERS  
UNITED STATES DISTRICT JUDGE